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Charles G. Neeley, Professor of Constitutional History and Law in Pomona College, offers a double course in Elementary Law.

Dr. Jau Don Ball, Lecturer in the Summer Session, will give a general course in Criminology, covering mental disorders, feeble-mindedness, disease, heredity, etc., and a special course for advanced students in psychiatry from individual, social and industrial points of view. Much interest is being shown by the police of the Pacific Coast states in the courses to be offered by Edward Oscar Heinrich, consulting expert in criminal investigations of San Francisco, and August Vollmer, Chief of Police of Berkeley, on Field and Laboratory Methods in Criminal Investigations. Several police departments will send representatives to the Summer Session. R. P.

SCHOOL OF JURISPRUDENCE NOTES

We note, with much regret, the resignation of Edward Elliott, Professor of International Law and Politics. Dr. Elliott, who has been a Director of the Federal Reserve Bank of San Francisco since 1917, has now become Vice-President of the Security Trust and Savings Bank of Los Angeles. Owing to this resignation and the continued leave of absence of Professor Matthew C. Lynch, several changes have been made in the curriculum. The course in International Law is now being given by Professor G. H. Robinson. Professor Radin is giving the course in Trusts. Mr. W. W. Ferrier, A. B., University of California, 1912, J. D. 1914, has been appointed Lecturer in Law and is giving the course in Equity I.

Comment on Recent Cases

ATTACHMENT: DOES NOT ISSUE FOR BREACH OF CHARTER PARTY—Is an action for breach of a charter party an action on a contract express or implied for the direct payment of money within the meaning of the California code?¹ This question arose in *Greenebaum v. Smith*², which was a suit for breach of a charter party to provide a cargo at certain rates per ton. The cargo was not furnished as agreed and the shipowner sued for the breach in the state court and attached property of the defendant. The court held that the action did not fall within the description of the Code section and writ of attachment could not issue. This holding is

¹ Cal. Code Civ. Proc. § 537.

² (Oct. 7, 1920) 33 Cal. App. Dec. 307.

based upon an earlier California case³ which held that the rule for damages for breach of a charter party is the same as for personal services, being the amount agreed upon for the service less expenses incurred in rendering it and any profits that might have been earned by the exercise of reasonable diligence during the time required for performing the stipulated service. The damages would therefore be an unliquidated sum and there would be no implied contract for the direct payment of money.⁴

This decision is of particular importance to shippers and ship-owners. If a suit is brought in admiralty for breach of charter party when no cargo or only part of the cargo is furnished or when a ship is not provided at the agreed time and place, there is no maritime lien,⁵ hence there can be no proceeding *in rem* against cargo or ship. If, on the other hand, the injured party chooses to sue *in personam* in admiralty he cannot attach the property of the defendant if the latter can be found within the jurisdiction.⁶ It follows, then, that if suit be brought in admiralty and the defendant is served with summons within the jurisdiction, no security for the judgment can be obtained. The decision in the principal case leaves the plaintiff in the same position when suit is brought in the state court. Shipping men, take notice. L. E. K.

CONFLICT OF LAWS: RECOVERY UNDER THE WORKMEN'S COMPENSATION ACT FOR INJURIES SUSTAINED ABROAD—Within the past few years the question of a right of recovery under the Workmen's Compensation Act for injuries received abroad has frequently challenged the attention of the courts of this country. The earlier tendency was to hold the Act strictly territorial, and to limit its operation to intrastate injuries only.¹ But the later trend has been distinctly away from the strictly territorial theory and today recovery is generally permitted for injuries suffered abroad.²

This question has just been met squarely under the California

³ *Utter v. Chapman* (1869) 38 Cal. 659, (1872) 43 Cal. 279.

⁴ *Willett v. Alpert* (Dec. 8, 1919) 58 Cal. Dec. 523, 185 Pac. 976; 8 California Law Review, 251.

⁵ *Schooner Freeman v. Buckingham* (1855) 59 U. S. (18 How.) 182, 188, 15 L. Ed. 341; *Vandewater v. Mills* (1856) 60 U. S. (19 How.) 82, 15 L. Ed. 554, 24 R. C. L. 1313; *The Saturnus* (1918) 250 Fed. 407, 162 C. C. A. 477, 3 A. L. R. 1187 and cases there cited; 70 L. R. A. 373, 433, and cases there cited.

⁶ *Munro v. Almeida* (1825) 23 U. S. (10 Wheat.) 473, 6 L. Ed. 369; *Smith v. Miln* (1848) Fed. Cas. No. 13081; *The Horsa* (1915) 232 Fed. 993; 1 C. J. 1301 and cases there cited.

¹ *In re Gould* (1913) 215 Mass. 480, 102 N. E. 693.

² *Kennerson v. Thames Towboat Co.* (1915) 89 Conn. 367, 94 Atl. 372; *Rounsaville v. Central R. Co.* (1915) 87 N. J. L. 371, 94 Atl. 392; *Grinnell v. Wilkinson* (1916) 39 R. I. 447, 98 Atl. 103; *Gooding v. Ott* (1916) 77 W. Va. 487, 87 S. E. 862; *Post v. Burger* (1916) 216 N. Y. 544, 111 N. E. 351; *Pierce v. Bekins Van & Storage Co.* (1919, Iowa) 172 N. W. 191. See note in 30 Yale Law Journal, 71 (Nov., 1920).